



THE CITY OF NEW YORK
LAW DEPARTMENT

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December 31, 2015

BY ECF

Honorable Robert M. Levy
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Galvin Dudley v. City of New York, et al.
15-CV-4820 (JG) (RML)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Zachary W. Carter, Corporation Counsel of the City of New York, and the attorney assigned to the defense of the above-referenced matter. Defendants City of New York ("City") and Salvator Tramontana respectfully request that the Court: (1) grant a brief extension of time, until January 14, 2016, for the City and Officer Tramontana to respond to the amended complaint; and (2) *sua sponte* grant an extension of time, until January 14, 2016, for Daniel Houlahan, Chloe Jiggetts, Donice Moreau, Edwin Nuez, and Herman Lai to respond to the amended complaint.¹ Plaintiff's counsel, Baree Fett, Esq., consents to this request.

¹ Defendant City of New York previously requested that the Court *sua sponte* extend the time for Officers Lai and Tramontana to respond to the complaint. Although representation issues with respect to Officer Tramontana have been resolved, we are still resolving representation issues with respect to Officer Lai. Additionally, although this office currently represents the City and Officer Tramontana, we would ask that their time to respond to the amended complaint be extended so that all defendants can respond to the complaint in a single answer. Finally, a decision regarding whether this office will represent Officers Lai, Jiggetts, and Nuez, and Sergeants Moreau and Houlahan has not yet been made, and accordingly, this request for an enlargement of time is not made on their behalf. However, given the time involved in determining the representation of a member of the New York City Police Department, and in the interest of judicial economy, if these defendants have been properly served, we would hope that the Court may consider, *sua sponte*, extending their time to answer or otherwise respond in order to ensure that

Defendants thank the Court for its time and consideration of this request.

Respectfully submitted,



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Special Federal Litigation Division

cc: By ECF
Baree Fett, Esq.
Attorney for Plaintiff

their defenses are not jeopardized while representation issues are being decided. The enlargement of time will permit this office to determine, pursuant to Section 50-k of the New York General Municipal Law, and based on a review of the facts of the case, whether we may represent these officers. See Mercurio v. City of New York, 758 F.2d 862, 864-65 (2d Cir. 1985); Williams v. City of New York, 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law).